

<b>Application Number</b>	11/1250/EXP	<b>Agenda Item</b>	
<b>Date Received</b>	9th November 2011	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	4th January 2012		
<b>Ward</b>	East Chesterton		
<b>Site</b>	Land Adj. To 7 Church Street Cambridge Cambridgeshire CB4 1DT		
<b>Proposal</b>	Extension of time for the implementation of planning permission reference 08/1181/FUL for erection of 3 two-bed flats and 1 three-bed duplex with parking.		
<b>Applicant</b>	C/O: Fox Hill Lodge Great Shelford Cambridge CB22 5AN		

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## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site relates to a rectangular parcel of land measuring 0.6 Ha in area situated on the southern side of Church Street. The site is part of the residential curtilage of number 7 Church Street and is located to the east of this property. To the south of the site is the Chesterton Recreation Ground, which is an area of Protected open Space.
- 1.2 The curtilage of the plot currently has a 2m high boarded fence on the boundary separating the site with the recreation ground. There are a number of fruit trees currently within the site and a Walnut tree, which are protected from felling by reason of being within a Conservation Area.
- 1.3 The site falls within the Chesterton Conservation Area. Church Street is not within the Controlled Parking Zone (CPZ).

## 2.0 THE PROPOSAL

- 2.1 This application seeks an extension of time for the implementation of planning consent 08/1181/FUL. Permission is sought for the erection of a new building accommodating 3 two bedroom flats and 1 three bed duplex. The building is 2 storeys in height rising to 7.5m and the plan form is approximately 10.5m in depth. There are 3 levels of accommodation with the roof area providing bedroom space for the duplex apartment.
- 2.2 The building is to be constructed in a buff brick with a plain tiled roof.
- 2.3 The original application was accompanied by the following supporting information:
1. Design and Access Statement
  2. Biodiversity and protected species assessment

## 3.0 SITE HISTORY

Reference	Description	Outcome
08/0636/CAC	Demolition of No 7 Church Street.	Withdrawn
08/0635/FUL	Erection of 8no 2 bed flats and 1no 1bed single storey dwelling together with the erection of 5no covered parking spaces and 5no open parking spaces including 1no disabled parking space.	Withdrawn

## 4.0 PUBLICITY

- 4.1 Advertisement: Yes  
Adjoining Owners: Yes  
Site Notice Displayed: Yes

## 5.0 POLICY

### 5.1 Central Government Advice

**5.2 Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

**5.3 Planning Policy Statement 3: Housing (first published November 2006, 2nd edition published January 2010, 3rd edition published June 2010, 4th edition published June 2011):** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

The definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum

density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010) Technical amendments to Annex B: Definitions, to reflect the introduction of Affordable Rent. (June 2011)

**5.4 Greater Flexibility for planning permissions 2009** – Extensions to the time limits for implementing existing planning permissions was brought into force on 1 October 2009. This measure was introduced in order to make it easier for developers and LPA's to keep planning permissions alive for longer during the economic downturn.

**5.5 Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

**5.6 Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

**Community Infrastructure Levy Regulations 2010** – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

**5.7 East of England Plan 2008**

ENV7 Quality in the built environment

**5.8 Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision  
P9/8 Infrastructure Provision

## 5.9 Cambridge Local Plan 2006

3/4 Responding to context  
3/7 Creating successful places  
3/11 The design of external spaces  
3/12 The design of new buildings  
4/2 Protection of Open Space  
4/4 Trees  
4/11 Conservation Areas  
4/13 Pollution and amenity  
5/1 Housing provision  
8/2 Transport impact  
8/4 Walking and Cycling accessibility  
8/6 Cycle parking  
8/10 Off-street car parking

### Planning Obligation Related Policies

3/8 Open space and recreation provision through new development  
5/14 Provision of community facilities through new development  
10/1 Infrastructure improvements (*public open space, recreational and community facilities*)

## 5.10 Material Considerations

**Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.

**Cambridge City Council (2006) - Open Space and Recreation Strategy:** Gives guidance on the provision of open space and recreation facilities through development.

## **Central Government Guidance**

### **Draft National Planning Policy Framework (July 2011)**

The National Planning Policy Framework (Draft NPPF) sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

The Draft NPPF includes a set of core land use planning principles that should underpin both plan making and development management (precised form):

1. planning should be genuinely plan-led
2. planning should proactively drive and support the development and the default answer to development proposals should be 'yes', except where this would compromise the key sustainable development principles set out in the Draft NPPF
3. planning decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business community
4. planning decisions for future use of land should take account of its environmental quality or potential quality regardless of its previous or existing use
5. planning decisions should seek to protect and enhance environmental and heritage assets and allocations of land for development should prefer land of lesser environmental value
6. mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land should be promoted
7. the reuse of existing resources, such as through the conversion of existing buildings, and the use of renewable resources should be encouraged

8. planning decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
9. planning decisions should take account of and support local strategies to improve health and wellbeing for all
10. planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

The Draft NPPF states that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.

### **Letter from Secretary of State for Communities and Local Government (27 May 2010)**

The coalition government is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

### **Written Ministerial Statement: Planning for Growth (23 March 2011)**

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

## **City Wide Guidance**

**5.11 Cambridge City Council (2011) - Open Space and Recreation Strategy:** Gives guidance on the provision of open space and recreation facilities through development.

It sets out to ensure that open space in Cambridge meets the needs of all who live, work, study in or visit the city and provides a satisfactory environment for nature and enhances the local townscape, complementing the built environment.

The strategy:

- sets out the protection of existing open spaces;
- promotes the improvement of and creation of new facilities on existing open spaces;
- sets out the standards for open space and sports provision in and through new development;
- supports the implementation of Section 106 monies and future Community Infrastructure Levy monies



As this strategy suggests new standards, the Cambridge Local Plan 2006 standards will stand as the adopted standards for the time-being. However, the strategy's new standards will form part of the evidence base for the review of the Local Plan.

## **6.0 CONSULTATIONS**

### **Historic Environment Manager**

- 6.1 There are no comments to make in addition to those originally submitted for application number 08/0636/CAC, which dealt with both the Conservation Area Consent and the application for Planning Permission. The Conservation Team supported the applications subject to further detailed plans of the new development being submitted and issues relating to materials and detailing being agreed and controlled by condition.

Previous Consultations for 08/1181/FUL

### **Cambridgeshire County Council (Transport)**

- 6.2 No objections.

### **Arboriculture**

- 6.3 No objections. The most significant tree on the site is a young Walnut which will be protected during the development.

### **Environmental Health**

- 6.4 No objections subject to conditions relating to construction and demolition.

### **Cambridgeshire County Council Education**

- 6.5 This application requires contributions for pre school and life long learning.

### **Cambridge County Council Archaeology**

- 6.6 No objections subject to the completion of an archaeological investigation.

6.7 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

7.1 The owners/occupiers of the following addresses have made representations: 5 Church Street,

The representations can be summarised as follows:

- Object, the government now actively encourages the use of gardens for development.
- The proposed development is not sympathetic with the Conservation Area.
- The development would lead to an increase in noise and traffic.

### Original Application 08/1181/FUL

7.2 The owners/occupiers of the following addresses have made representations: Chesterton House, 27 Cannon Court, 30 Church Street, 6 New Court.

The representations can be summarised as follows:

- There are already an excessive number of flats being constructed in Chesterton.
- The building is too high, and a pair of semi detached properties would be more appropriate.
- Flats will attract younger buyers who stay in the area for relatively short periods.
- Cars will reverse onto the road which will be a hazard with increased traffic.
- Fencing to recreation ground will be lost.
- Removal of trees will change the site and there will be a loss of significant trees.
- The loss of half the garden would destroy the setting of number 7.
- The original house was designed for the site in its entirety.
- Building would interrupt a flight path of bats.

In addition, objections have been received from the Old Chesterton Residents Association making the following points:

- Number 7 ('Fowey') is an important part of Chestertons townscape and the loss of the garden would destroy its setting.
- There is no evidence that the house no longer meets a market need.
- Mature garden provides a dominant green feature in the street scene.
- Development does not accord with policy 4/11.
- The number of dwellings is excessive representing a greater density than the 40 dwellings per hectare guideline.

2 Petitions were also received from 1 New Court and 27 Cannon Street which are signed by 54 residents. The petitions make the following points:

- Loss of on street parking.
- Impact upon privacy for users of the recreation ground.
- Overdevelopment.
- The development will diminish the architectural importance of the original house.
- Damaging to the Conservation Area.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Impact upon the character and appearance of the Conservation Area
3. Residential amenity
4. Tree Issues
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Archaeology Issues
9. Third party representations
10. Planning Obligation Strategy

## **Principle of Development**

- 8.2 Greater flexibility was introduced for agreeing extensions to existing planning permissions on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009. No primary legislation has been changed. This flexibility was introduced in order to make it easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn. This notwithstanding, the application must be assessed in accordance with the Development Plan and any other material considerations.
- 8.3 The provision of additional dwellings on previously developed land is generally supported by central government advice contained in Planning Policy Statement (PPS) 3: Housing, and policy H1 of the East of England Plan 2008. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is relatively low density because of the flood risk constraints on the site, (discussed below), but it is in my view compliant with these policy objectives.
- 8.4 The recently revised PPS 3 now declassifies gardens from the definition of brownfield land, and the national minimum density for new development has been removed. This notwithstanding, Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots, which recognises the important part of the character and amenity value gardens contribute to the City.
- 8.5 In principle, policy 3/10, allows for proposals for the sub-division of existing plots in the garden area or curtilage of existing dwellings. Development of this nature will not be permitted however if it will have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, light or an overbearing sense of enclosure; provide inadequate amenity space, or detract from the prevailing character and appearance of the area. An analysis of these issues is provided in the design and amenity sub sections below.

- 8.6 The revised PPS3 does not prevent the development of garden land in principle. The contribution that the existing garden makes to the character of the area, the comparative density of the development and the visual impact of the new dwelling on the prevailing character of the area are all important considerations in assessing whether the proposed development is acceptable. It is considered that the existing garden does not make a significant contribution to the character of the area and that the density and design is acceptable (discussed in design section below). I do not consider that the garden contributes to either the openness, or general development pattern of the area. This is because of the overall size of the plot to be subdivided and the relationship of the new building with the site boundaries. It follows therefore that the principle of development is acceptable. In this case there is justification for development of a low-priority site.
- 8.7 There is no objection in broad principle to residential development, but the proposal has to be assessed against the criteria of other relevant development plan policies. In my opinion, the principle of the development is acceptable and in accordance with Cambridge Local Plan 2006 policies 3/10 and 5/1, and guidance on allowing greater flexibility for planning permissions.

### **Impact upon the character and appearance of the Conservation Area**

- 8.8 The key issues relate to the detailed design and appearance of the proposed new building within its setting and the impact upon the character and appearance of the Conservation Area and the Protected Open Space of the recreation ground.
- 8.9 In terms of Local Plan policy relevant to the above issues, policy 4/11 states that development within a Conservation Area should preserve or enhance its character and appearance and should retain buildings, spaces, gardens, trees, hedges, boundaries and other site features which contribute to its character. This criteria is also closely related to design considerations relevant to the sub division of existing plots contained within policy 3/10 and the considerations for development affecting areas of protected open space contained within policy 4/2. In addition, policy 3/12 states that new buildings should have a positive

impact on their setting in terms of location on the site, height, scale, form, materials, detailing and wider townscape views.

- 8.10 The previously withdrawn application proposed 2 oversized buildings, rising to 3 storeys in height, with little design rationale for the scale and bulk in terms of its immediate context. This scheme permitted by the extant permission proposes to retain the existing number 7 Church Street and erect a single new building within its curtilage. In my opinion number 7 Church Street is a neutral building which neither contributes nor detracts from the appearance of the Conservation Area. The building is of little historic merit and its loss would not be resisted in principle. However, the applicant has in part responded to a desire from residents for its retention and has designed a scheme which now retains and complements this existing building.
- 8.11 To the front elevation, the building reflects the existing front gable feature of 7 Church and would be approximately 0.5m lower in overall height than this property. Whilst the eaves level is slightly higher than that of number 7, the new building will relate well to the existing building. The building is set 2m from the eastern boundary which will mean that it will not be cramped in relation to the existing single storey buildings within the recreation ground, and it will not be out of character when viewed within the street scene and from the recreation ground in accordance with policies 3/12, 4/2 and 4/11.
- 8.12 In terms of the external spaces of the development, the scheme will retain the majority of the existing 1.8m wall which abuts the pavement edge. This will preserve the character of the street scene along this section of Church Street in accordance with the principles of policy 4/11.
- 8.13 The application has raised concerns with local residents regarding the boundary treatment. The existing fencing will be removed, along with most of the fruit trees within the garden. Whilst the new building will be more visible, this does not equate to an increase in harm to the character and appearance of the area when viewed within the recreation ground. The blank boarded fencing will be replaced with a more sympathetic low wall and railings which in my view will enhance the appearance of this boundary. The significant tree within the garden, which is the Walnut, will remain.

- 8.14 The scheme would also not change the plot boundaries of the area in an unsympathetic manner. The new residential curtilage would be of a comparable size to the plot left for number 7 which would not detract from the character and appearance of the area, in accordance with policies 4/11 and 3/10. The original plot of number 7 does not have any particular historic significance which might merit retention in its original form.
- 8.15 In summary, the design and appearance of the building in my view preserves the appearance of the street scene within the Conservation Area and from within the recreation ground, in accordance with policies 3/12 and 4/11 and the development will not detract from the prevailing character and appearance of the area, the key design consideration for development involving the sub-division of existing plots. I do not consider there to have been any significant change in circumstances which should lead to a different assessment of this extension of time application. As such the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11, 3/12, 4/2 and 4/11.

### **Residential Amenity**

- 8.16 The property which will be most affected by this development will be adjacent number 7 Church Street. Whilst the new building projects approximately 4m beyond the rear building line of number 7, the new building would be positioned approximately 2m from the common western boundary. An unbroken line of 45 degrees outlook will therefore remain from the rear ground and first floor windows of number 7.
- 8.17 With regard to the level of amenity for the future occupiers, given the overall plot size, there would be a generous rear communal garden. The living rooms of the ground and first floor units are south facing, which takes advantage of both sunlight throughout the day and views over the recreation ground. The duplex apartment will also have 2 usable balcony areas in the rear roof space.
- 8.18 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with East of England Plan (2008)

policy ENV7 and Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Tree Issues**

- 8.19 The Council's Arboriculture officer has considered this scheme and does not object to the proposals. The most significant tree on the site is a young Walnut tree which is an acceptable distance from the development so that its future health will not be jeopardised. The other trees on the site are fruit trees and a yew which do not make such a significant impact upon the street or open space such that their retention is warranted. I acknowledge that whilst there will be a reduction of general green tree cover from the loss of the fruit trees, the improved boundary treatment and landscaped garden area will make a more positive contribution to the views from within the recreation ground.
- 8.20 The imposition of a suitable planning condition can ensure that the Walnut tree is protected through the construction works (condition 2). In my opinion the application makes adequate provision for the retention of trees and is compliant with Cambridge Local Plan 2006 policy 4/4.

### **Refuse Arrangements**

- 8.21 This scheme accommodates a separate area for the storage of refuse and recycling boxes for the new apartments. These facilities are positioned behind the front wall, which would be both convenient and secure. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.22 The County Highways Authority have considered this scheme and officers are of the view that there will be no adverse impact upon highway safety. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.23 The application provides 4 car parking spaces which accords with the maximum car parking standards within the Local Plan. The scheme also provides bicycle parking in a convenient



secure position close to the entrance of the site behind the front boundary wall. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Archeological Issues**

- 8.24 The County Archeological records indicate this area to be of high archeological potential, being 100m away from the medieval church of St Andrew. On this basis the imposition of suitable planning condition can ensure that a programme of archeological investigation is carried out before works commence in accordance with Cambridge Local Plan policy 4/9, (condition 6).

### **Third Party Representations**

- 8.25 The majority of the points raised in letters of representation received have been addressed in the above assessment. The following additional issue was raised in relation to the original application:

*The development will interrupt the flight path of bats*

An initial habitat and biodiversity report was conducted to support the previous submission. This report concluded that there were no priority habitats on the site.

### **Planning Obligation Strategy**

- 8.26 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered

these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The Affordable Housing Supplementary Planning Document 2008 provides guidance in terms of the provision of affordable housing and the Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art (amend/delete as applicable). The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

### Open Space

- 8.27 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.
- 8.28 The application proposes the erection of 3 two bedroom flats and 1 three bedroom duplex. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476	3	1428
3-bed	3	238	714	1	714
4-bed	4	238	952		
<b>Total</b>					<b>2,142</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538	3	1614
3-bed	3	269	807	1	807
4-bed	4	269	1076		
<b>Total</b>					<b>2421</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484	3	1452
3-bed	3	242	726	1	726
4-bed	4	242	968		
<b>Total</b>					<b>2178</b>

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632	3	1896
3-bed	3	316	948	1	948
4-bed	4	316	1264		
<b>Total</b>					<b>2844</b>

8.29 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8,

Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

### Community Development

8.30 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256	3	3768
3-bed	1882	1	1882
4-bed	1882		
<b>Total</b>			<b>5650</b>

8.31 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

### Waste

8.32 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	4	600
<b>Total</b>			<b>600</b>

8.33 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

### Education

8.34 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.

8.35 In this case, 4 additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for pre-school education, primary, secondary education and lifelong learning. Contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

<b>Pre-school education</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+- beds	2		810	4	3240

<b>Total</b>	<b>3240</b>
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<b>Primary education</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+-beds	2		1350	4	5400
<b>Total</b>					<b>5400</b>

<b>Secondary education</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+-beds	2		1520	4	6080
<b>Total</b>					<b>6080</b>

<b>Life-long learning</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160		
2+-beds	2		160	4	640
<b>Total</b>					<b>640</b>

8.36 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy 2010, I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

#### Monitoring

8.37 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial

head of term, £300 per non-financial head of term. Contributions are therefore required on that basis.

### Planning Obligations Conclusion

8.38 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

## **9.0 CONCLUSION**

9.1 Notwithstanding revised Government Guidance within PPS3, the development of garden land remains acceptable in principle. The design of the new building has responded appropriately to its context and would preserve the character and appearance of the Conservation Area and Protected Open Space. The scheme would not detract from the amenities enjoyed by neighbouring residential properties and cycle and refuse provision is successfully incorporated within the site. It follows therefore that the proposal represents an acceptable plot subdivision and development of garden land. APPROVAL is therefore recommended.

## **10.0 RECOMMENDATION**

**APPROVE subject to the satisfactory completion of the S106 agreement by 15 February 2012 and subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. No work shall start on the application site (including soil stripping, pre-construction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until:

a) A Tree Protection Plan, as defined in BS 5837:2005 'Trees in Relation to Construction - Recommendations', containing the following Arboricultural Method Statements/specifications has first been submitted and agreed to, in writing, by the Council's Principal Arboricultural Officer:

Arboricultural method statements for the precise location and erection of tree protection barriers and ground protection for all trees retained on, and adjacent to, the site, in order to establish Root Protection Areas and construction exclusion zones;

Arboricultural method statement for any development facilitation pruning.

and,

b) that there has been:

A pre-construction site meeting between the site agent, the developers chosen arboriculturalist, and the Council's delegated Arboricultural Officer.

All development facilitation pruning, where required, has been completed in accordance with BS 3998:1989.

All tree protection barriers and ground protection measures have been installed to the satisfaction of the Council's delegated Arboricultural Officer.

All Arboricultural works shall be carried out by a competent tree contractor, proficient in both root-zone and aerial arboricultural work and shall follow strictly the agreed method statements and specifications.

All tree protection barriers and ground protection must be in accord with BS 5837:2005 clause 9 - "The construction exclusion zone: barriers and ground protection"

Reason: In the interests of making adequate provision for the retention of trees on the site, Cambridge Local Plan policy 4/4.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.



Reason: To ensure that the appearance of the external surfaces is appropriate. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

4. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

5. No development shall take place within the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences. (Cambridge Local Plan 2006 policy 4/9)

6. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

7. No development shall commence until details of facilities for the covered, secure parking of nine bicycles for use in connection with the development hereby permitted have been submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure satisfactory provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

8. With the exception of that part of the boundary wall which is to be removed to provide access to the site as shown on the approved plans, the front boundary wall shall be retained in its existing location and at its existing height.

Reason: In the interests of maintaining the character and appearance of the Conservation Area, Cambridge Local Plan 2006 policy 4/11.

**INFORMATIVE:** New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

### **Reasons for Approval**

1. This development has been approved subject to conditions and following the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

East of England plan 2008: ENV6 and ENV7.

Cambridgeshire and Peterborough Structure Plan 2003: P6/1 and P9/8

Cambridge Local Plan (2006): 3/4, 3/7, 3/8, 3/11, 3/12, 4/2, 4/4, 4/11, 4/13, 5/1, 5/14, 8/2, 8/4, 8/6, 8/10 and 10/1

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at:  
[www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess)  
or by visiting the Customer Service Centre at Mandela House.